



TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187
ELLINGTON, CONNECTICUT 06029-0187
www.ellington-ct.gov

TEL. (860) 870-3120 TOWN PLANNER'S OFFICE FX (860) 870-3122

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, JULY 22, 2019, 7:00 PM
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

MEMBERS PRESENT: CHAIRMAN ARLO HOFFMAN, REGULAR MEMBERS SEAN KELLY, ROBERT SANDBERG, JR, F. MICHAEL FRANCIS AND RICCI HIRTH, AND ALTERNATE KEITH DURAO

MEMBERS ABSENT: VICE CHAIRMAN BILL HOGAN, SECRETARY CAROL STROM AND ALTERNATE JON MOSER

STAFF PRESENT: LISA HOULIHAN, TOWN PLANNER AND BARBRA GALOVICH, RECORDING CLERK

- I. CALL TO ORDER:** Chairman Arlo Hoffman called the meeting to order at 7:00 PM.
- II. PUBLIC COMMENTS (On non-agenda items):** Michael Richey, 18 West Shore Road, submitted a letter giving notice to stop road runoff, drainage, and sewage from contaminating his property. He said the town had 24 hours to fill the storm drain on 18 West Shore Road with concrete and stop draining onto his property. He was advised the commission does not have jurisdiction over these matters and receipt of his letter was acknowledged. He was argumentative and made a point of saying that he and his wife are licensed to carry and both have interstate permits. He explained that he wasn't going to tolerate town interference any longer or excuses he didn't go through the right agency. When asked if he was threatening the commission, he said he was not. It was agreed his comment was unnecessary. Receipt of his letter was acknowledged again and he was asked to leave.

III. PUBLIC HEARING(S):

1. S201902 – Curt & Jena Luginbuhl, owner/applicant, request for a two lot subdivision located on Hoffman Road, APN 121-003-0000, in a RAR (Rural Agricultural Residential) Zone.

TIME: 7:05 PM

SEATED: Chairman Arlo Hoffman, Regular Members Sean Kelly, Robert Sandberg, Jr, F. Michael Francis. Ricci Hirth, and Alternate Keith Durao

MOVED (KELLY) SECONDED (SANDBERG) AND PASSED UNANIMOUSLY TO TABLE THE OPENING OF THE PUBLIC HEARING TO THE NEXT REGULAR MEETING ON AUGUST 26, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR S201902 – Curt & Jena Luginbuhl, owner/applicant, request for a two lot subdivision located on Hoffman Road, APN 121-003-0000, in a RAR (Rural Agricultural Residential) zone.

2. Z201914 – DeML Enterprises, LLC, owner/applicant, request for a Special Permit modification to remove 2007 condition of approval and allow screened outside storage and request for Site Plan Approval for Phase 2 construction of building and related site improvements located at 72 Windermere Avenue, APN 018-026-0000, in an IP (Industrial Park) Zone.

TIME: 7:06 PM

SEATED: Chairman Arlo Hoffman, Regular Members Sean Kelly, Robert Sandberg, Jr, F. Michael Francis. Ricci Hirth, and Alternate Keith Durao

John Pare, DeMI Enterprises, LLC, 238 Jobs Hill Road, was present to represent the application.

Mr. Pare explained the original 2007 Special Permit and Site Plan Approval has expired. He explained that the 2007 approval prohibited outside storage. He would like to be granted permission to allow the outside storage on the property for his tenant's landscaping business. He said he is looking to erect two 24'x8'x6' stockade fences to be located behind each building. Mr. Pare would like to complete building #2, since the foundation is already on site and sewer is ready for hookup to the proposed building.

Mr. Pare received a copy of the Town Engineer's email comments dated July 18, 2019, and provided a copy of specifications for the wall mounted lights for the buildings. He stated that he received comments from the Public Works Department and a driveway permit may be required when working on the driveway portion of the construction. Lisa Houlihan, Town Planner, read the Fire Marshal's comments dated July 15, 2019 for the record. Mr. Pare stated he would like to put down millings now and pave the driveway and parking area at a later date. The existing building has wall mounted light packs and building #2 will also have the same lighting installed.

Mr. Pare explained he is looking to start construction of building #2 in September and be complete by December if he receives approvals from the Town. Ms. Houlihan advised Mr. Pare he will have to meet the Fire Marshal's requirements during review of the building permit.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR Z201914 – DeML Enterprises, LLC, owner/applicant, request for a Special Permit modification to remove 2007 condition of approval and allow screened outside storage and request for site plan approval for phase 2 construction of building and related site improvements located at 72 Windermere Avenue, APN 018-026-0000, in an IP (Industrial Park) zone.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS Z201914 – DeML Enterprises, LLC, owner/applicant, request for a Special Permit modification to remove 2007 condition of approval and allow screened outside storage and request for site plan approval for phase 2 construction of building and related site improvements located at 72 Windermere Avenue, APN 018-026-0000, in an IP (Industrial Park) zone.

Condition(s):

1. Shall comply with the Town Engineer's recommendations dated July 18, 2019.
2. Prior to occupancy, shall obtain approval from Fire Marshal's office.
3. Curb-cut permit shall be obtained from the Department of Public Works, if applicable.
4. Outside storage shall be confined to the designated outside storage areas or within the interior of the building/units.
5. Screening of outside storage areas shall be maintained in good repair at all times.
6. Special Permit uses are restricted to uses listed in the narrative received June 21, 2019. Retail sales and personal storage is not allowed.

7. Parking of vehicles is limited to the parking area and spaces shown on the approved site plan.
8. Application for Zoning Permit shall include a narrative explaining the nature of the business, the unit number(s) to be occupied, and the assigned parking space(s).
9. Formal parking shall be established for phase 1 building prior to occupancy of tenant and issuance of Zoning Permit.
10. A Zoning Permit is required prior to occupancy of a unit or change in tenant.
11. Payment of outstanding consultant engineering review fees is required prior to issuance of Zoning Permit following approval.

VI. OLD BUSINESS:

1. Z201802 - JoAnn Luginbuhl, owner/Nutmeg Construction, applicant, request to establish bond associated with final approval granted June 24, 2019, for Crestwood V, subdivision of property at Ellsworth Lane and Brooks Crossing Ext., APN 118-003-0000, in a RAR (Rural Agricultural/Residential) Zone.

JoAnn and Scott Luginbuhl, 5 Benjamin Drive, Ellington, CT, were present to represent the request. The Town Engineer provided an itemized bond estimate and bond recommendation of \$71,802.90 for the commission to consider.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO SET A BOND AMOUNT FOR \$71,900.00 FOR A PERIOD OF 5 YEARS AT WHICH TIME THE TOP COURSE MUST BE PAVED OR AN INCREASED BOND BE PROVIDED TO INCLUDE RECLAIMING AND REPAVING OF THE BINDER COURSE AS RECOMMENDED BY THE TOWN ENGINEER IN A LETTER DATED JULY 19, 2019, FOR Z201802 - Joann Luginbuhl, owner/Nutmeg Construction, applicant, request to establish bond associated with final approval granted June 24, 2019, for Crestwood V, subdivision of property at Ellsworth Lane and Brooks Crossing Ext., APN 118-003-0000, in a RAR (Rural Agricultural/Residential) zone.

V. NEW BUSINESS:

1. Z201915 - Pursuant to a memo from the Ellington Board of Selectmen dated July 11, 2019, request for Connecticut General Statute Section 8-24 review for the installation of outdoor lights for the football field at Ellington High School, 37 Maple Street, APN 073-009-0000, in a RAR (Rural Agricultural/Residential) zone.

Tim Schneider, Earthlight Technologies, 92 West Road, Ellington, CT, explained they received two light poles that they would like to put up at the High School football field. He stated the poles are 80' in height and have thirty five lights on each pole. They are 1500 watt bulbs. Commissioner Hirth asked the age of the poles and the life span of the lights. Mr. Schneider stated the lights were donated and there is no cost to the town.

Ms. Houlihan stated there is a memo from the Superintendent of Schools, Scott Nicol, dated July 17, 2019, advising the Board of Education Operations Committee will meet on August 12, 2019, 4:30 PM, to review and comment on the installation of the lights and discuss safety and security matters. Ms. Houlihan explained that recreational fields and significant modifications to them require Special Permits within residential zones and are subject to mandatory public hearings meeting proper notification requirements. Mr. Schneider stated they are looking to install the poles as soon as possible for the football season.

Kristan Mangiafico, 6 Westland Road, Ellington, CT, said she is a member of the Booster Club and explained that the Executive Director of CT Interscholastic Athletic Conference (CIAC) said they do not have any restriction or jurisdiction pertaining to the installation of lights. Lights are proposed on one side of the field only.

Laura Dixon, 21 Stein Road, Ellington, CT, said the proposed locations of the lights may need to be adjusted so the poles don't obstruct video equipment used to record games.

Chairman Hoffman reiterated to the commission that they will only be voting on the CGS Section 8-24 to the Board of Selectmen at tonight's meeting.

MOVED (SANDBERG) SECONDED (KELLY) AND PASSED UNANIMOUSLY FOR A POSITIVE REFERRAL TO THE BOARD OF SELECTMEN FOR Z201915 - pursuant to a memo from the Ellington Board of Selectmen dated July 11, 2019, request for Connecticut General Statute Section 8-24 review for the installation of outdoor lights for the football field at Ellington High School, 37 Maple Street, APN 073-009-0000, in a RAR (Rural Agricultural/Residential) zone.

2. Z201917 – Town of Ellington, owner/ Earthlight, applicant, request for modifications of Special Permit and Site Plan approval for installation of outdoor lights for the football field at Ellington High School, 37 Maple Street, APN 073-009-0000, in a RAR (Rural Agricultural/Residential) Zone.

BY CONSENSUS, SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON AUGUST 26, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201917 – Town of Ellington, owner/ Earthlight, applicant, request for modifications of Special Permit and Site Plan approval for installation of outdoor lights for the football field at Ellington High School, 37 Maple Street, APN 073-009-0000, in a RAR (Rural Agricultural/Residential) zone.

3. Z201916 – KAZ Trucking, LLC, owner/ White Eagle Diesel, applicant, request for Special Permit for motor vehicle repair and attached and detached signage at 42 Village Street, APN 017-015-0000, in an IP (Industrial Park) Zone.

BY CONSENSUS, SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON AUGUST 26, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201916 – KAZ Trucking, LLC, owner/ White Eagle Diesel, applicant, request for Special Permit for motor vehicle repair and attached and detached signage at 42 Village Street, APN 017-015-0000, in an IP (Industrial Park) zone.

4. Z201918 – Dean & Christine Luginbuhl, owner/ The Barn Yard, applicant, request for Special Permit for a detached garage (36X48) for more than 3 cars at 8 School House Road, APN 146-008-0003, in a RAR (Rural Agricultural Residential) Zone.

BY CONSENSUS, SCHEDULE A PUBLIC HEARING FOR THE NEXT REGULAR MEETING ON AUGUST 26, 2019, 7:00 PM, TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT, FOR Z201918 – Dean & Christine Luginbuhl, owner/ The Barn Yard, applicant, request for Special Permit for a detached Garage (36x48) for more than 3 cars at 8 School House Road, APN 146-008-0003, in a RAR (Rural Agricultural Residential) Zone.

VI. ADMINISTRATIVE BUSINESS:

1. Approval of June 24, 2019 Regular Meeting Minutes.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE JUNE 24, 2019 REGULAR MEETING MINUTES.

2. Request for approval of Capitol Region Council of Governments (CRCOG) Local Assessment/Membership Fee Fiscal Year 2019-2020.

MOVED (KELLY) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO APPROVE CAPITOL REGION COUNCIL OF GOVERNMENTS LOCAL ASSESSMENT/MEMBERSHIP FEE IN THE AMOUNT OF \$14,172.00, FOR FISCAL YEAR 2019-2020.

3. Request to revise "List of Approved Appraisers", pursuant to a memo dated July 16, 2019, from Lisa Houlihan, Town Planner.

MOVED (SANDBERG) SECONDED (HIRTH) AND PASSED UNANIMOUSLY TO APPROVE THE REVISED "LIST OF APPROVED APPRAISERS", PURSUANT TO A MEMO DATED JULY 16, 2019, FROM LISA HOULIHAN, TOWN PLANNER.

4. Correspondence: None

VII. ADJOURNMENT:

MOVED (SANDBERG) SECONDED (FRANCIS) AND PASSED UNANIMOUSLY TO ADJOURN THE PLANNING & ZONING COMMISSION REGULAR MEETING AT 8:01 PM.

Respectfully submitted,



Barbra Galovich, Recording Clerk

Barbra Galovich

From: Dana Steele <dsteale@jrrusso.com>
Sent: Thursday, July 18, 2019 9:08 AM
To: Lisa Houlihan
Cc: John Colonese; Barbra Galovich
Subject: RE: Z201914 - DeML Enterprise, LLC, 72 Windermere Ave

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lisa,

I spoke with the applicant, John Pare, yesterday and he explained that he has not been able to contact the engineer who prepared the original plan. That is why the plans are redlined and not stamped. He is requesting a waiver or exception for the requirement to submit an updated plan. Considering the limited nature of changes being proposed, I think this could be addressed as written conditions of approval rather than an updated plan. It is my understanding that the phase 2 building foundation, sewer and utility services have already been installed. I would suggest the following conditions of approval:

1. The outdoor storage areas will be a pervious $\frac{3}{4}$ " washed traprock surface on woven geotextile fabric, no more than 24' east from the end of each building and not extending greater in width than the buildings.
2. Upon excavation for the drywells, the Town Engineer shall be called to observe the soil conditions and confirm they are suitable for infiltration. If soils are deemed not suitable for the proposed drywells, the applicant shall hire a professional engineer to design an alternate solution acceptable to the Town Engineer.
3. All catch basins shall include a trap hood on the outlet pipe.
4. Roof runoff from both the front and back of the new building shall be piped to the new drywell.
5. If millings are permitted by the Commission for this use in lieu of bituminous concrete pavement, the section shall include a minimum of 6" millings and 8" processed stone base after compaction.
6. Provide silt fence or other sediment barrier around the work area and temporary stockpile.
7. Accessible parking spaces shall conform to current Building Code requirements.

Please note that millings will not be conducive with pavement markings for parking spaces. The Building Official may determine that certain dimensions, markings and signage are required for the accessible parking spaces shown on the previously approved plans. I will leave the requirements for screening of the outdoor storage area to your discretion. Let me know if you have any questions.

Dana P. Steele, P.E.
Ellington Town Engineer



J.R. RUSSO & ASSOCIATES, LLC
P.O. Box 938, 1 Shoham Road
East Windsor, CT 06088
(T) 860.623.0569 (MA) 413.785.1158
dsteale@jrrusso.com | www.jrrusso.com

ELLINGTON PLANNING DEPARTMENT
STAFF REVIEW SHEET

PLANNING & ZONING COMMISSION

Z201914 – DeML Enterprises, LLC, owner/applicant, request for a Special Permit modification to remove 2007 condition of approval and allow screened outside storage and request for Site Plan approval for Phase 2 construction of building and related site improvements located at 72 Windermere Avenue, APN 018-026-0000, in an IP (Industrial Park) Zone.

PUBLIC HEARING DATE: July 22, 2019
STAFF REVIEW RETURN DATE: July 16, 2019

DEPARTMENT	COMMENTS AND/OR REQUIREMENTS
Town Engineer	<p>Fire Marshal Comments:</p> <p>Currently the site plan approved in 2007 is not finished. The parking area which provides for emergency access for public safety agencies is less than what is adequate for a building that is intended to be accessed by the public.</p> <p>The site plan from 2007 should be substantially completed to ensure proper, marked parking areas and proper access to the building for emergency services prior to any change in prior approvals.</p> <p>Lighting that was proposed in the front parking area for "phase 1" was not completed.</p> <p>Winter weather, snow removal, and lighting in the evening time must be considered as to how these affect public safety.</p>
Building Official	
North Central District Health Dept	
Fire Marshal <i>J. Meyer</i> <i>7/15/19</i>	
Public Works Director/WPCA	
Assessor	
Traffic Authority	